

REMARKS/ARGUMENTS

Claims 1-11 and 13-26 are pending in the application. Claim 12 has been canceled.

In the Office Action, claims 1, 4, 7, 13, 14 and 16-18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0223476 to Kanterakis, et al. (Kanterakis). Claim 11 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0190652 to Gamble, et al. (Gamble). Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kanterakis in view of U.S. Patent No. 5,778,073 to Busching, et al (Busching). Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble in view of U.S. Patent No. 6,359,871 to Chung, et al. (Chung). Claims 19-26 were allowed, and claims 3, 5, 6, 8-10 and 15 were objected to as being dependent upon a rejected base claim.

Independent claim 1 has been amended to clarify that the method is practiced in an asynchronous communication system. Independent claims 13 and 18 have been amended in a similar manner. Support for the amendments can be found in paragraph 0021 and FIGs. 1-2 of the application. No new matter has been added in view of the amendments.

In contrast, Kanterakis teaches the use of a preamble in a synchronous mode. First, a spread-spectrum signal is transmitted on the common synchronization channel from a base station (BS) to a remote station (RS) in which the RS determines frame timing (see paragraph 0045). Subsequently, the RS uses the timing obtained from the common synchronization channel (see paragraph 0046) to transmit an access-burst

signal that contains preambles (see paragraph 0047). That is, the preambles of Kanterakis are generated and transmitted in a synchronous communication system, as opposed to an asynchronous system, as that term is understood by those of skill in the art. Moreover, Kanterakis mentions nothing about a preamble being made distinguishable based on an association with a call type, a feature that is recited in independent claims 1, 13 and 18.

Concerning independent claim 11, the limitations of dependent claim 12 have been incorporated therein. As noted above, claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble – a 102(e) reference - in view of Chung. Applicants point out that the present application and the Gamble reference were commonly owned at the time the invention of the present application was made. As such, Gamble is disqualified as prior art under the provisions of 35 U.S.C 103(c).

In view of the above, Applicants submit that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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